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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,008	09/20/2001	Michael Ray Timperman	2001-0134.02	3800
21972 7590 04/11/2007 LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			EXAMINER PARK, JUNG H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 04/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/957,008

Applicant(s)

TIMPERMAN ET AL.

Examiner

Jung Park

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

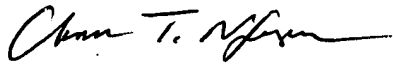
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 16-18.
Claim(s) objected to: 4, 26 and 27.
Claim(s) rejected: 1-3, 5-15, 19-25 and 28-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


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Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments with respect to claims 1-3, 5-15, 19-25, and 28-30 have been fully considered but they are not persuasive.

At pages 9-12, for claim 1, applicant argues that Hughes does not disclose, "extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to the selected node". In reply, Hughes discloses that the parser extracts only "packet address" and "TOS" fields as pertinent information from the incoming data packets as shown in fig.6 (see col.6, ln.60-63) and many fields in the packet as shown in fig.2 are ignored during the extracting processing. The pertinent information is pertinent to the selected node (600 fig.6).

Applicant also argues that Hughes does not disclose, "generating a plurality of response data packets based on the pertinent information, wherein the extracting and generating steps are performed without use of a microprocessor".

In reply, Hughes discloses that the combiner (630 fig.6) generates a plurality of response data packets based on the pertinent information of incoming packets (see col.5, ln.65 and col.6, ln.60-63), that is, based on packet address and TOS. Also, the claim limitation of "extracting and generating steps are performed without use of a microprocessor" reads on "the remapper may be implemented in conventional hardware circuitry. (see fig.6; col.5, ln.54-56). That is, the extracting and generating steps performed in parser and combiner are implemented without a microprocessor.

At pages 16-17, for claim 11, applicant argues that Hughes does not disclose, "a peripheral and a filter device connected to the peripheral device, the filter device being configured to receive a plurality of data packets and identify only pertinent information in the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to the peripheral device. In reply, the Examiner rejected claim 11 using same rationale as in the rejection of claims 1 and 3. That is, Hughes discloses, "a parser as a filter device configured to receive a plurality of data packets and identify only pertinent information in the data packets while ignoring non-pertinent information from the data packets" as described in the response to the argument of claim 1 above. The parser extracts only "packet address" and "TOS" fields as pertinent information from the incoming data packets as shown in fig.6 (see col.6, ln.60-63) and many fields in the packet as shown in fig.2 are ignored during the extracting processing. The pertinent information is pertinent to the selected node (600 fig.6). Therefore, at the time of the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to connect a peripheral device (such as a network adapter in a computer, a printer, etc) to the system of Hughes in order to utilize the classified IP packets at a device connected to the filter device.